

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2004/016481

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-10 as originally filed

Claims, Numbers

1-29 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify):*
- ☐ any table(s) related to sequence listing *(specify):*

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify):*
- ☐ any table(s) related to sequence listing *(specify):*

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☒ the entire international application,
 - ☐ claims Nos.
because:
 - ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - ☒ the claims, or said claims Nos. 1-29 are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos.
 - ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
 - ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
 - ☒ See separate sheet for further details

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/US2004/016481

Reference is made to the following document:

D1: US-A-6 032 611 (ASAKAWA TOSHIFUMI ET AL) 7 March 2000 (2000-03-07)

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The present application does not comply with **Article 5 PCT** for the following reasons:

The application as whole deals with the deposition of a polycrystalline buffer layer on a substrate, the formation of an amorphous layer at the interface between said polycrystalline buffer layer and said buffer and the deposition of a monocrystalline layer on said polycrystalline buffer layer (see independent claim 1).

This last step of depositing a monocrystalline layer on a polycrystalline buffer is not disclosed in a sufficient manner for the claimed method to be carried out by a person skilled in the art: a polycrystalline material is per definition composed of many small crystal grains of various orientations. During the deposition of a lattice -matched material onto a polycrystalline buffer, **each grain** at the surface of the polycrystalline buffer will **locally impose its crystalline orientation to the growing material**, thereby imposing the polycrystalline structure of the deposited layer.

It is not to be found in the present application how the deposition of a monocrystalline layer on a polycrystalline substrate is to be carried out.

Document D1 (see cited passage in search report) explicitly states the impossibility of monocrystalline deposition on a polycrystalline support by the normal deposition processes.

The present application therefore does not comply with Article 5 PCT and the claimed subject-matter cannot be examined with regard to novelty, inventive step and industrial applicability.